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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,140	09/20/2000	Joseph G. Barrett	06975-131001	5787

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EXAMINER

FLYNN, KIMBERLY D

ART UNIT PAPER NUMBER

2153

DATE MAILED: 06/18/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/666,140

Applicant(s)

BARRETT ET AL.

Examiner

Kimberly D Flynn

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is in response to a response filed March 25, 2004. Claims 1-37 are presented for further consideration.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9, 13-19, 23-29, and 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cox et al. (U.S. Patent No. 6,738,814), hereinafter Cox in view of Watson et al. (U.S. Patent No. 5,475,839), hereinafter Watson.

In considering claims 1,2, 13-16, 23-26, and 34-37, Cox discloses a method for securing an accessible computer system, the method comprising:

monitoring a computer system for connection transactions between multiple requestors and multiple access providers using a switching component (routing device, 10) connected to the multiple access providers (Cox, col. 3:32-29);

While Cox discloses the system substantially as claimed Cox does not disclose denying access by an attacking access requestor to the access providers when a number of connection

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transactions initiated by the attacking access requestor through the switching component exceeds a configurable threshold number during a first configurable time period. Nonetheless, securing access to a system by denying access to a requestor when a number of connection transactions initiated exceeds a configurable threshold during a time period is well known as evidenced Watson.

In similar art Watson whose invention is a method for securing access to a computer system discloses wherein a determination is made that an invalid login attempt is made during a specified period of time or during a particular time period. Watson further discloses wherein after the initial threshold of unsuccessful login attempts is reached, the system is locked up and must be rebooted (Watson col. 13:59-63 and col. 14:26-41). It would have been obvious to a person having ordinary skill in the art to modify the routing device, 10 as disclosed by Cox to include the step of denying access to an attacking requestor when the number of transactions initiation exceed a configurable threshold during a first configurable time period in order to prevent malicious external users from conducting denial of service attacks that would flood the network and prevent it from satisfying legitimate request. The modification would also provide the technical advantage of identifying and blocks such attacks before prior to tying up the system. Accordingly, the modification and its advantages would have been apparent to a person having ordinary skill in the art.

In considering claims 3-4 and 6-7, the combined system of Cox and Watson further discloses wherein the monitoring further includes counting and comparing the number of connection transactions initiated by the access requestors through the switching component during the first configurable period of time to the configurable threshold (Watson, col. 14:26-41).

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In considering claims 5, 8-9, 18-19, and 28-29, the combined system of Cox and Watson discloses wherein the monitoring includes detecting connection transactions between multiple Internet protocol addresses and the access providers with the switching components (Cox, col. 3:55-64).

In considering claims 17 and 27, the aforementioned claims contain similar limitations to those limitations of claims 1, and 3-4 therefore the same grounds of rejection is applicable.

In considering claims 10-12, 20-22, and 30-33, the aforementioned claims contain similar limitation to those previously rejected in claims 1-4, however, the claims specify a second configurable time period that is not explicitly disclosed by the combined system of Cox and Watson. Nonetheless, the uses and advantages of a second configurable time period are well to one skill in the art. A person with ordinary skill in the art would have been motivated to incorporate a second configurable time period in which the users could have access to the system in order to provide more security restrictions on the users thereby ensuring a more secure system.

In considering claim 3 and 37, the combined system of Cox and Watson discloses a host computer system receives communication from the switching component, which is included in a host system (Cox, col. 2:46-58).

***Information Disclosure Statement***

4. The information disclosure statement (IDS) submitted on April 8, 2004 was received and considered by the examiner.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D Flynn whose telephone number is 703-308-7609. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 703-305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Kimberly D Flynn  
Examiner  
Art Unit 2153

KF  
June 14, 2004



Dung C. Dinh  
Primary Examiner